

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	§	Confirmation No.:	8510
	§		
Dror HARATS et al.	§		
	§		
Serial No.: 10/567,543	§	Group Art Unit:	1628
	§		
Filed: April 25, 2008	§		
	§		
For: Oxidized Lipids And Uses	§	Attorney Docket:	<b>31532</b>
Thereof In The Treatment Of	§		
Inflammatory Diseases And	§		
Disorders	§		
	§		
Examiner: Rei Tsang SHIAO	§		

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**EXPEDITED REQUEST FOR CORRECTED FILING RECEIPT**

Prior to payment of issue fee, Applicants respectfully request issuance of a corrected filing receipt.

Attached is an annotated copy of the Filing Receipt dated July 11, 2008 for the above-referenced Application.

There are some errors with respect to *Applicant(s)* field, please correct as follows:

**Applicant(s)**

Dror Harats, Ramat-Gan, ISRAEL;

Jacob George, Tel Aviv, ISRAEL;

Gideon Halperin, Har-Adar, ISRAEL;

**Niva Yacov, Tel-Aviv, ISRAEL;**

**Eti Kovalevski-Ishai, Netania, ISRAEL;**

**REMARKS**

Applicants wish to point out that there are some errors with respect to *Applicant(s)* field. Inventors Niva YACOV and Eti KOVALEVSKI-ISHAI should be listed as fourth and fifth inventors respectively. Inventors Niva YACOV and Eti KOVALEVSKI-ISHAI should be added to *Applicant(s)* field. See attached copies of Petition to Add Inventors under 37 C.F.R. §1.48 and Executed Substitute Declaration and Power of Attorney as filed on April 25, 2008, Decision on Petition under 37 C.F.R. §1.497(d) dated June 6, 2008, as well as the Supplemental Application Data Sheet, copy of which is being filed herewith.

Attached is also an annotated copy of the Filing Receipt dated July 11, 2008.

Applicants respectfully request issuance of a Corrected Filing Receipt in compliance with the Petition to Add Inventors under 37 C.F.R. §1.48 and Executed Substitute Declaration and Power of Attorney as filed on April 25, 2008, Decision on Petition under 37 C.F.R. §1.497(d) dated June 6, 2008, as well as the Supplemental Application Data Sheet.

Applicants note that issue fee will be paid shortly and, therefore, ask that this request be expedited to ensure that the correct information appears on the patent.

Respectfully submitted,

**/Jason H. Rosenblum/**

Jason H. Rosenblum  
Registration No. 56,437  
Telephone: 718.246.8482

Date: November 13, 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/567,543	04/25/2008	1626	2345	31532	88	2

CONFIRMATION NO. 8510

Martin D Moynihan  
Prtsi Inc  
P o box 16446  
Arlington, VA 22215

FILING RECEIPT



\*OC000000030879669\*

Date Mailed: 07/11/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dror Harats, Ramat-Gan, ISRAEL;  
Jacob George, Tel Aviv, ISRAEL;  
Gideon Halperin, Har-Adar, ISRAEL;

Power of Attorney:

Martin Moynihan--40338

← Niva Yacov, Tel-Aviv, ISRAEL;

Eti Kovalevski-Ishai, Netania, ISRAEL;

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IL2004/000453 05/27/2004  
which is a DIV of 10/445,347 05/27/2003 PAT 6,838,452

Foreign Applications

If Required, Foreign Filing License Granted: 07/09/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/567,543**

Projected Publication Date: 10/23/2008

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Oxidized Lipids and Uses Thereof in the Treatment of Inflammatory Diseases and Disorders

**Preliminary Class**

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:

Serial No.: 10/567,543

I.A. Filing Date: May 27, 2004

For: Oxidized Lipids And Uses  
Thereof In The Treatment Of  
Inflammatory Diseases And  
Disorders

Examiner: Not Yet Assigned

Group Art Unit:  
Not Yet Assigned

Attorney  
Docket: 31532

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO CORRECT INVENTOR'S NAMES**

Sir:

This is Petition to Correct Inventor's Names for which a fee of \$130.00 is due. Please charge my Deposit Account 50-1407 for this fee, as well as any additional fees due. A duplicate copy of this form is enclosed.

The above-identified patent application, as filed, included three (3) inventors, Dror HARATS, Jacob GEORGE, and Gideon HALPERIN. By error, without deceptive intent, the name of two (2) additional inventors, Niva YACOV and Eti KOVALEVSKI-ISHAI were left out. Statements and Declarations setting forth these facts are attached herewith, along with the Declarations of all the inventors. Consequently, please add Niva YACOV and Eti KOVALEVSKI-ISHAI as inventors to the above-identified patent application.

04/29/2008 MAHME1 00000020 501407 10567543  
01 FC:1464 130.00 DA

Respectfully submitted,

Martin D. Moynihan  
Registration No. 40,338

Date: April 23, 2008



www.pearsoned.com

Attorney Docket: 31532

**For: OXIDIZED LIPIDS AND USES THEREOF IN THE TREATMENT OF INFLAMMATORY DISEASES AND DISORDERS**

### ASSIGNEE'S CONSENT TO CORRECTION OF INVENTORSHIP

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

$\therefore 27.3.08$



Dror HARATS et al

Februray 8, 2006

**For: OXIDIZED LIPIDS AND USES THEREOF IN THE TREATMENT OF INFLAMMATORY DISEASES AND DISORDERS**

www.elsevier.com/locate/jmb

Attorney Docket: 31532

## **PETITION TO CORRECT INVENTOR'S NAMES**

I, the undersigned, Niva YACOV, whose address is 22/15 Hadar Yosef Street, 69705 Tel-Aviv, Israel, do solemnly declare, as follows:

1. I have reviewed the above-identified U.S. Patent Application No. 10/567,543 titled "OXIDIZED LIPIDS AND USES THEREOF IN THE TREATMENT OF INFLAMMATORY DISEASES AND DISORDERS", including the claims or record.
2. I hereby state that I have made an inventive contribution to the subject matter claimed in the 10/567,543 application, whereby I am a co-inventor of the claimed subject matter of the 10/567,543 application.
3. I further state that the error in inventorship, of not including me as a co-inventor previously, occurred without any deceptive intention on my part.

I, the undersigned, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity in the above-captioned application or any patent issuing therefrom.

Signed this            date of 25 / 3 2008

Mina Egan

**Niva YACOV**





**Attorney Docket: 31532**

Eti KOVALEVSKI-ISHAI



Docket No.  
**31532**

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### OXIDIZED LIPIDS AND USES THEREOF IN THE TREATMENT OF INFLAMMATORY DISEASES AND DISORDERS

the specification of which

☐

is attached hereto.

☒

**was filed on** May 27, 2004 ~~as United States Application No. or PCT~~

**International Application Number** PCT/IL2004/000453

~~and was amended on~~ \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of federal Regulations, Section 1.56. Including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all the information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

**10/445,347**

\_\_\_\_\_  
(Application Serial No.)

**May 27, 2003**

\_\_\_\_\_  
(Filing Date)

**Patented**

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

**PCT/IL2004/000453**

\_\_\_\_\_  
(Application Serial No.)

**May 27, 2004**

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

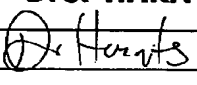
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

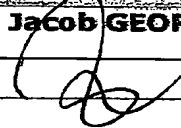
**Martin D. MOYNIHAN** Registration Number 40,338

Send Correspondence to: **Martin D. MOYNIHAN**  
 PRTSI, Inc.  
 P.O. Box 16446  
 Arlington, Virginia 22215

Direct Telephone Calls to: *(name and telephone number)*

**Martin D. MOYNIHAN** Tel. No. (703) 598-7851  
 Fax No. (703) 415-4864

FULL NAME OF SOLE OR FIRST INVENTOR	<b>Dror HARATS</b>	
Sole or first inventor's signature		Date <u>27-3-08</u>
Residence	: 71 Mendes Street, Kiryat-Krinitzy, 53765 Ramat-Gan, Israel	
Citizenship	: Israeli	
Post Office Address	: 71 Mendes Street, Kiryat-Krinitzy, 53765 Ramat-Gan, Israel	

FULL NAME OF SECOND INVENTOR, IF ANY	<b>Jacob GEORGE</b>	
Second inventor's signature		Date <u>27/3/08</u>
Residence	: 6 Duchin Street, 69360 Tel Aviv, Israel	
Citizenship	: Israeli	
Post Office Address	: 6 Duchin Street, 69360 Tel Aviv, Israel	

FULL NAME OF THIRD INVENTOR, IF ANY	<b>Gideon HALPERIN</b>	
Third inventor's signature	<u>G. Halperin</u>	Date <u>27.03.08</u>
Residence	: 6 HaTomer Street, 90836 Har-Adar, Israel	
Citizenship	: Israeli	
Post Office Address	: 6 HaTomer Street, 90836 Har-Adar, Israel	

FULL NAME OF FOURTH INVENTOR , IF ANY		<b>Niva YACOV</b>
Fourth inventor's signature	<u>Niva Yacov</u>	Date <u>25.3.08</u>
Residence	: 22/15 Hadar Yosef Street, 69705 Tel-Aviv, Israel	
Citizenship	: Israeli	
Post Office Address	: 22/15 Hadar Yosef Street, 69705 Tel-Aviv, Israel	

FULL NAME OF FIFTH INVENTOR , IF ANY		<b>Eti KOVALEVSKI-ISHAI</b>
Fifth inventor's signature	<u>Eti</u>	Date <u>25.3.08</u>
Residence	: 68 Sokolov Street, 42255 Netania, Israel	
Citizenship	: Israeli	
Post Office Address	: 68 Sokolov Street, 42255 Netania, Israel	



UNITED STATES PATENT AND TRADEMARK OFFICE

06 JUN 2008

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Martin D Moynihan  
Prtsi Inc  
P o box 16446  
Arlington VA 22215

In re Application of  
HARATS et al.  
Application No.: 10/567,543  
PCT No.: PCT/IL04/00453  
Int. Filing Date: 27 May 2004  
Priority Date: 27 May 2003  
Attorney Docket No.:31532  
For: OXIDIZED LIPIDS AND USES  
THEREOF IN THE TREATMENT OF  
INFLAMMATORY DISEASES AND  
DISORDERS

DECISION ON  
under 37 CFR 1.497(d)

This is a decision on applicant's "Petition to Correct Inventor's Names" under 37 CFR 1.497(d), filed on 25 April 2008 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

**BACKGROUND**

On 20 March 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, were required.

On 18 April 2008, applicant filed a response along with an executed declaration.

On 25 April 2008, applicant filed a "Petition to Correct Inventor's Name" under 37 CFR 1.497(d) along with an executed declaration.

**DISCUSSION**

Niva Yacov and Eti Kovalevski-Ishai were not named as inventors in the published international application PCT/IL04/00453. The declaration submitted on 25 April 2008 identified Niva Yacov and Eti Kovalevski-Ishai as co-inventors and thus was not in compliance with 37 CFR 1.497(a) and (b). Since Niva Yacov and Eti Kovalevski-Ishai were not accepted under PCT Rule 92bis as co-inventors, it is improper to accept a declaration identifying them as co-inventors. Applicant asks consideration of his petition under 37 CFR 1.497(d) to add Niva Yacov and Eti Kovalevski-Ishai as inventors.

**Petition under 37 CFR 1.497(d)**

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant satisfied Items (1) and (2) above. With regard to Item (3), applicant has provided the Written Consent of Vascular Biogenics Ltd. to correct the inventorship under 37 CFR 1.497(d)(3) consenting to the addition of Niva Yacov and Eti Kovalevski-Ishai as inventors in this application. Item (3) above is satisfied.


Accordingly, applicant has now met all of the requirements to add Niva Yacov and Eti Kovalevski-Ishai as co-inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

**CONCLUSION**

The petition under 37 CFR 1.497(d) to Correct Inventor's Names in the above-captioned application is **GRANTED**.

The declaration, executed by all inventors including Niva Yacov and Eti Kovalevski-Ishai as a joint inventors in the above referenced application, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **25 April 2008**.

  
Cynthia M. Kratz  
Attorney Advisor  
PCT Legal Office

Telephone: (571)272-3286  
Facsimile: (571)273-0459